**REMARKS**

After the foregoing amendment, claims 1-14 are pending in the application.

Rejections Under 35 U.S.C. § 103(a)

Rejections Under Waldo and King

Claims 1, 4, 5, 7 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Patent Number 6,016,500 issued to Waldo et al. on January 18, 2000 in view of Patent Number 6,721,288 B1 issued to King et al. on April 13, 2004.

Applicants' amended claim 1 now requires that after restoration of the server, "an application of the client having a connection with the server has not detected anomalies in the connection".

This limitation is not taught by Waldo. Instead, Waldo discloses failure recovery schemes in which the client, server, and any related entities are placed in a pre-failure state, and the client's applications are aware of the failure after recovery, as disclosed in column 13, lines 10-18 that teaches:

> If the server had already performed the write operation, the server restores the file to its state just before the write operation was performed and the client knows that, after the failure is detected, the write operation has not been performed, so the client can continue its processing accordingly.

Thus, the clear teaching of Waldo is that a client can recover a failed server, however, the client's applications are aware of anomalies in their connection with the server after recovery.

King does not address failure recovery schemes for servers. Instead, King discloses techniques to reduce delays faced by users of mobile devices due to unavailability of wireless networks. Thus, like Waldo, King does not teach that after restoration of the server, "an application of the client having a connection

with the server has not detected anomalies in the connection". Therefore the combination of Waldo with King does not teach or suggest all of the limitations in applicants' claim 1, and so claim 1 is allowable over the proposed combination.

Since claims 4, 5, 7, and 12 depend from allowable claim 1, these claims are also allowable over the proposed combination.

Rejections Under Waldo, King, Hickman, Harsch and Devarakonda

Claims 2, 3, 10, 11 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Waldo et al. in view of King et al., and further in view of Patent Number 6,523,130 B1 issued to Hickman on February 18, 2003.

Claims 6 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable Waldo et al. in view of King et al., and further in view of Patent Number 6,212,175 B1 issued to Harsch on April 3, 2001.

Claims 8 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Waldo et al. in view of King et al., and further in view of Patent Number 6,523,130 issued to Devarakonda on October 15, 1996.

With respect to claims 2, 3, 6, 8-11, 13 and 14, Waldo and King do not teach or suggest that after restoration of a server "an application of the client having a connection with the server has not detected anomalies in the connection", as required in applicants' independent claim 1 for the above-mentioned reasons. The Office Action does not cite Hickman, Harsch or Devarakonda as supplying this element, and applicants agree that they do not supply this element. Since claims 2, 3, 6, 8-11, 13 and 14 depend from independent claim 1, these dependent claims are also believed to be allowable for the same reasons set forth above for independent claim 1.

Conclusion

In view of the foregoing amendments and remarks, applicants submit that this application is in condition for allowance, and reconsideration is therefore respectfully requested. If there are any outstanding issues that the Examiner feels may be resolved by way of a telephone conference, the Examiner is invited to contact the undersigned to resolve the issues.

Respectfully submitted,
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Atts.

I hereby certify that this correspondence is being deposited in the United States Postal Service as first class mail in an envelope with sufficient postage addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on Dec. 9, 2004

Sharon L. Lobosco Date 12/9/04
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